Justice Committee

Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill

Written submission from Matthew Mochan

1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?

Yes, the act has proven to be a failure. Rather than combatting sectarianism in Scotland it has criminalised free speech, and football fans in particular.

2. Did you support the original legislation?

No.

3. Do you consider that other existing provisions of criminal law are sufficient to prosecute offensive behaviour related to football which leads to public disorder? If so, could you specify the criminal law provisions? Or does repeal of section 1 risk creating a gap in the criminal law?

Existing laws that were in place before the 2012 act were already sufficient to prosecute offensive behaviour.

4. Do you have a view on the focus of section 1 of the 2012 Act, which criminalises behaviour surrounding watching, attending or travelling to or from football matches, which may not be criminalised in other settings?

Yes, the concept of criminalising types of behaviour solely in relation to football and not in any other setting is illiberal.

5. Do you consider that other existing provisions of criminal law are sufficient to prosecute threats made with the intent of causing a person or persons fear or alarm or inciting religious hatred? If so, could you specify the criminal law provisions? Or does repeal of section 6 risk creating a gap in the criminal law?

I believe other existing provisions of criminal law are sufficient to prosecute these types of offences.

6. Do you have a view on the proposed transitional arrangements in the Bill: that there should be no further convictions for section 1 and 6 offences from the date on which the repeal of those offences takes effect; and that the police will cease issuing fixed penalty notices at least from the point at which the Bill is passed?

Yes, that this is long overdue.
7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?

Contrary to tackling sectarianism I believe the 2012 Act has in fact contributed to the worsening of sectarianism in Scotland.

Matthew Mochan
9 August 2017